

No. 15404.

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

A. J. KAHN,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

APPELLANT'S REPLY BRIEF.

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FILED

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Ramsey v. United States, 9th Cir., Mar. 27, 1957, No. 15094....3, 4

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65 Statutes at Large, p. 529..... 3

the carrying on of the business of a distiller and the possession of distilled spirits under certain circumstances. The particular language of this Court is found in the first portion of the last paragraph on page 3 of that opinion, as follows:

“Defendant argues that he did not unlawfully possess tax unpaid distilled spirits. *This is a question of fact.*” (Emphasis added.)

The facts of that case were reviewed by the Court in its opinion, on page 3, and conclusively established that the defendant in that case was found to be in possession of at least 40 gallons of distilled spirits and in possession of all of the necessary equipment and ingredients for distilling and rectifying liquor. There is no similarity whatever between the *Ramsey* case and the case at bar.

Conclusion.

Appellant submits that all of the evidence in the case, viewed in the light most favorable to the appellee, fails to support the convictions of the offenses charged and that the judgment of conviction should be reversed.

Respectfully submitted,

CHARLES H. CARR, and

GEORGE E. DANIELSON,

By GEORGE E. DANIELSON,

Attorneys for Appellant.